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General Assembly

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Sixty-first session
Agenda item 33

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects" in its agenda and to allocate it to both the Fourth and Sixth Committees.

2. The Sixth Committee considered the item at its 20th and 21st meetings, on 6 and 9 November 2006. The statements made by the representatives during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.20 and 21).

3. For its consideration of the item, the Committee had before it the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980).[1]

II. Consideration of draft resolution A/C.6/61/L.13

4. At the 21st meeting, on 9 November, the representative of Liechtenstein, on behalf of the Bureau, introduced a draft resolution entitled "Criminal accountability of United Nations officials and experts on mission" (A/C.6/61/L.13).

[1] The General Assembly had, in its decision 60/502 B of 8 September 2006, decided to transmit to the Sixth Committee, in the light of resolution 60/263 of 6 June 2006, the report of the Group of Legal Experts (A/60/980) issued pursuant to Assembly resolution 59/300 of 22 June 2005. (See A/61/250, para. 71.)

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5. Operative paragraph 2 was orally revised to indicate the dates of the meeting of the Ad Hoc Committee.

6. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.11, as orally revised, without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Criminal accountability of United Nations officials and experts on mission

The General Assembly,

Recalling its resolution 59/281 of 29 March 2005, in which it endorsed the recommendation in paragraph 56 of the report of the Special Committee on Peacekeeping Operations[1] that the Secretary-General make available to the United Nations membership a comprehensive report on the issue of sexual exploitation and abuse in United Nations peacekeeping operations,

Noting that the Secretary-General, on 24 March 2005, transmitted to the President of the General Assembly a report of his Adviser concerning sexual exploitation and abuse by United Nations peacekeeping personnel,[2]

Recalling its resolution 59/300 of 22 June 2005 endorsing the recommendation of the Special Committee on Peacekeeping Operations[3] that a group of legal experts be established to provide advice on the best way to proceed so as to ensure that the original intent of the Charter of the United Nations can be achieved, namely that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized, in accordance with due process,

Noting the report of the Group of Legal Experts[4] established by the Secretary-General pursuant to resolution 59/300,

Convinced of the need for the United Nations to take strong and effective steps in this regard,

1. *Decides* to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the report of the Group of Legal Experts, in particular its legal aspects;

2. *Decides also* that the Ad Hoc Committee shall meet from 9 to 13 April 2007;

3. *Requests* the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

4. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its sixty-second session;

5. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Criminal accountability of United Nations officials and experts on mission".

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[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part one, chap. III, sect. D.

[2] See A/59/710.

[3] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, chap. II, sect. N.

[4] See A/60/980.

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Sixty-first session
Agenda item 75

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Ms. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the sixty-first session of the General Assembly in accordance with Assembly resolution 59/36 of 2 December 2004.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 8th and 21st meetings, on 18 October and 9 November 2006. The statements made during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.8 and 21).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/61/222 and Add.1).

II. Consideration of draft resolution A/C.6/61/L.9

5. At the 21st meeting, on 9 November, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Belize, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia,

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Ethiopia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Moldova, Monaco, Mongolia, Namibia, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Uruguay, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/61/L.9).

6. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.9 without a vote (see para. 8).

7. Before the adoption of the draft resolution, the representatives of Egypt and Iran (Islamic Republic of) made statements in explanation of position (see A/C.6/61/SR.21).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 16 December 1996, 53/96 of 8 December 1998, 55/148 of 12 December 2000, 57/14 of 19 November 2002 and 59/36 of 2 December 2004,

Having considered the report of the Secretary-General,[1]

Thanking Member States and the International Committee of the Red Cross for their contribution to the report of the Secretary-General,

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I[2] to the Geneva Conventions of 1949,[3]

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Stressing further the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions and the Additional Protocols,[4]

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

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[1] A/61/222 and Add.1.

[2] United Nations, *Treaty Series*, vol. 1125, No. 17512.

[3] Ibid., vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, Nos. 17512 and 17513.

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Recalling that the Twenty-eighth International Conference of the Red Cross and Red Crescent stressed the need to reinforce the implementation of and respect for international humanitarian law,

Welcoming the entry into force of the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol V),[5]

Noting the adoption, on 8 December 2005, of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III),

Welcoming the significant debate generated by the recent publication of the study on Customary International Humanitarian Law by the International Committee of the Red Cross, and looking forward to further constructive discussion on the subject,

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Recalling the entry into force, on 9 March 2004, of the second Protocol[6] to the 1954 Hague Convention, and appreciating the ratifications received so far,

Acknowledging the fact that the Rome Statute of the International Criminal Court,[7] which entered into force on 1 July 2002, includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Acknowledging also the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,[3] and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;[4]

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols at the earliest possible date;

[5] See CCW/MSP/2003/3, annex V, appendix II.

[6] United Nations, *Treaty Series*, vol. 2253, No. 3511.

[7] Ibid., vol. 2187, No. 38544.

3. *Calls upon* all States that are already parties to Protocol I,[5] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict[6] and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

6. *Notes with appreciation* the Declaration and Agenda for Humanitarian Action adopted by the Twenty-eighth International Conference of the Red Cross and Red Crescent, which noted that all States must take national measures to implement international humanitarian law, including training of the armed forces and making this law known among the general public, as well as the adoption of legislation to punish war crimes in accordance with their international obligations;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

8. *Welcomes* the advisory service activities of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

9. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and for promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

10. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[7]

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

[5] Ibid., vol. 249, No. 3511.

[6] Ibid., vol. 2173, No. 27531.

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Sixty-first session
Agenda item 76

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 59/37 of 2 December 2004.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 8th and 20th meetings, on 18 October and 6 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.8 and 20).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/61/119 and Add.1 and 2).

II. Consideration of draft resolution A/C.6/61/L.5

5. At the 20th meeting, on 6 November, the representative of Finland, on behalf of Australia, Austria, Belgium, Belize, Canada, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Grenada, Haiti, Hungary, Iceland, Italy, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Moldova, the Netherlands, Nigeria, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Serbia, Slovakia,

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Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/61/L.5). Subsequently, Albania, Benin, Burkina Faso, Cameroon, Guinea, Honduras, Sierra Leone, Turkey and Uganda joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.5 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

[1] A/61/119 and Add.1 and 2.

1. *Takes note* of the report of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Requests*:

(a) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular

missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

(c) The States so reporting to consider using or taking into account the guidelines prepared by the Secretary-General;[2]

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to subparagraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to subparagraph 10 (a) above or follow-up reports pursuant to subparagraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

13. *Further requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report containing:

(a) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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[2] A/42/485, annex.

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Sixty-first session
Agenda item 77

Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 1st, 2nd and 15th meetings, on 10, 11 and 30 October 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.1, 2 and 15).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session.[1]

4. At the 1st meeting, on 10 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-ninth session introduced the report of the Commission on the work of that session.

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17* (A/61/17).

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II. Consideration of proposals

A. Draft resolution A/C.6/61/L.7

5. At the 15th meeting, on 30 October, the representative of Austria, on behalf of Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Estonia, Ethiopia, Finland, France, Germany, Greece, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Mongolia, the Netherlands, Norway, the Philippines, Poland, Portugal, Romania, the Russian Federation, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, subsequently joined by Morocco, introduced and orally revised a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session" (A/C.6/61/L.7).

6. At its 15th meeting, on 30 October, the Committee adopted draft resolution A/C.6/61/L.7, as orally revised, without a vote (see para. 9, draft resolution I).

B. Draft resolution A/C.6/61/L.8

7. At the 15th meeting, on 30 October, the representative of Malaysia introduced a draft resolution entitled "Revised articles of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958" (A/C.6/61/L.8).

8. At its 15th meeting, on 30 October, the Committee adopted draft resolution A/C.6/61/L.8 without a vote (see para. 9, draft resolution II).

III. Recommendations of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the Commission on the work of its thirty-ninth session,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session;[1]

2. *Commends* the Commission for the finalization and adoption of revised articles[2] of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law[3] on the form of the arbitration

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17* (A/61/17).

[2] Ibid., chap. IV, para. 181, and annex I.

[3] Ibid., *Fortieth Session, Supplement No. 17* (A/40/17), annex I.

agreement and interim measures, and of the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1,[4] of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958;[5]

3. *Also commends* the Commission for the approval of the substance of the recommendations of the draft legislative guide on secured transactions, which has been designed to facilitate secured financing, thus promoting increased access to low-cost credit and enhancing national and international trade;

4. *Welcomes* the progress made by the Commission in its work on a revision of its Model Law on Procurement of Goods, Construction and Services,[6] and on a draft instrument on transport law, and endorses the decision of the Commission to take up new topics in the areas of arbitration and insolvency law;

5. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, as well as promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

6. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance and cooperation in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical assistance and cooperation programme;

(b) Expresses its appreciation to the Commission for carrying out technical assistance and cooperation activities in Belarus, Benin (for the United Nations Conference on Trade and Development/World Trade Organization International Trade Centre seminar), Colombia, Egypt, the Republic of Korea, Singapore, Slovakia and Switzerland (for the United Nations Conference on Trade and Development/World Trade Organization International Trade Centre symposium on multilateral trade treaties and developing countries) and for providing assistance with legislative drafting in the field of international trade law to China, Georgia, Greece, Malaysia, Peru, Rwanda (through the joint project with the International Law Institute), Serbia, Slovenia and the former Yugoslav Republic of Macedonia, and to the Commonwealth Telecommunications Organisation;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical assistance and cooperation activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where

[4] Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), chap. IV, para. 181, and annex II.

[5] United Nations, *Treaty Series*, vol. 330, No. 4739.

[6] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission, in the light of the relevance and importance of the work and programmes of the Commission to the implementation of the United Nations development agenda, including the achievement of the Millennium Development Goals;

7. *Takes note with regret* that, since the thirty-sixth session of the Commission, no contributions have been made to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General,[7] stresses the need for contributions to the trust fund in order to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in the field of international trade law in those countries to facilitate the development of international trade and the promotion of foreign investment, and reiterates its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund;

8. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-first session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

9. *Recalls* that the responsibility for the work of the Commission lies with the meetings of the Commission and its intergovernmental working groups, and stresses in this regard that information should be provided regarding meetings of experts, which bring an essential contribution to the work of the Commission;

10. *Recalls* its resolutions on partnerships between the United Nations and non-State actors, in particular the private sector,[8] and in this regard encourages the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat, including the Global Compact Office;

11. *Reiterates its request* to the Secretary-General, in conformity with the General Assembly resolutions on documentation-related matters,[9] which, in particular, emphasize that any reduction in the length of documents should not adversely affect either the quality of the presentation or the substance of the

[7] Resolution 48/32, para. 5.

[8] Resolutions 55/215, 56/76, 58/129 and 60/215.

[9] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

documents, to bear in mind the particular characteristics of the mandate and work of the Commission in implementing page limits with respect to the documentation of the Commission;

12. *Requests* the Secretary-General to continue providing summary records of the meetings of the Commission relating to the formulation of normative texts;

13. *Recalls* its resolution approving the establishment of the *Yearbook of the United Nations Commission on International Trade Law*, with the aim of making the work of the Commission more widely known and readily available,[10] expresses its concern regarding the timeliness of the publication of the *Yearbook*, and requests the Secretary-General to explore options to facilitate the timely publication of the *Yearbook*;

14. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

15. *Welcomes* the preparation of digests of case law relating to the texts of the Commission, such as a digest of case law relating to the United Nations Convention on Contracts for the International Sale of Goods[11] and a digest of case law relating to the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law,[2] with the aim of assisting in dissemination of information on those texts and promoting their use, enactment and uniform interpretation;

16. *Welcomes also* the decision of the Commission to hold, in the context of its fortieth session in 2007, a congress on international trade law in Vienna, with a view to reviewing the results of the past work of the Commission as well as related work of other organizations active in the field of international trade law, assessing current work programmes and considering topics and areas for future work, and acknowledges the importance of holding such a congress for the coordination and promotion of activities aimed at the modernization and harmonization of international trade law;

17. *Recalls* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,[12] commends the restructured website of the Commission in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website in accordance with the applicable guidelines.

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[10] Resolution 2502 (XXIV), para. 7.

[11] United Nations, *Treaty Series*, vol. 1489, No. 25567.

[12] Resolutions 52/214, sect. C, para. 3; 55/222, sect. III, para. 12; 56/64 B, sect. X; 57/130 B, sect. X; 58/101 B, sect. V, paras. 61-76; 59/126 B, sect. V, paras. 76-95; and 60/109 B, sect. IV, paras. 66-80.

Draft resolution II

Revised articles of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958

The General Assembly,

Recognizing the value of arbitration as a method of settling disputes arising in the context of international commercial relations,

Recalling its resolution 40/72 of 11 December 1985 regarding the Model Law on International Commercial Arbitration,[1]

Recognizing the need for provisions in the Model Law to conform to current practices in international trade and modern means of contracting with regard to the form of the arbitration agreement and the granting of interim measures,

Believing that revised articles of the Model Law on the form of the arbitration agreement and interim measures reflecting those current practices will significantly enhance the operation of the Model Law,

Noting that the preparation of the revised articles of the Model Law on the form of the arbitration agreement and interim measures was the subject of due deliberation and extensive consultations with Governments and interested circles and would contribute significantly to the establishment of a harmonized legal framework for a fair and efficient settlement of international commercial disputes,

Believing that, in connection with the modernization of articles of the Model Law, the promotion of a uniform interpretation and application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958,[2] is particularly timely,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for formulating and adopting the revised articles of its Model Law on International Commercial Arbitration on the form of the arbitration agreement and interim measures, the text of which is contained in annex I to the report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session,[3] and recommends that all States give favourable consideration to the enactment of the revised articles of the Model Law, or the revised Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, when they enact or revise their laws, in view of the desirability of uniformity of the law of arbitral procedures and the specific needs of international commercial arbitration practice;

2. *Also expresses its appreciation* to the United Nations Commission on International Trade Law for formulating and adopting the recommendation

[1] *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17), annex I.

[2] United Nations, *Treaty Series*, vol. 330, No. 4739.

[3] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17* (A/61/17).

regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958,[2] the text of which is contained in annex II to the report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session;[3]

3. *Requests* the Secretary-General to make all efforts to ensure that the revised articles of the Model Law and the recommendation become generally known and available.

United Nations A/61/454

General Assembly

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Sixty-first session
Agenda item 78

Report of the International Law Commission on the work of its fifty-eighth session

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-eighth session" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 60/22 of 23 November 2005.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 9th to 19th and 21st meetings, on 23, from 25 to 27, and on 30 and 31 October and 1, 3 and 9 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.9-19 and 21).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-eighth session.[1]

5. The Chairman of the International Law Commission at its fifty-eighth session introduced the report of the Commission: chapters I to V and XIII at the 9th meeting, on 23 October; chapters VI and VII at the 13th meeting, on 27 October; chapters VIII and IX at the 17th meeting, on 31 October; and chapters X, XI and XII at the 18th meeting, on 1 November (see A/C.6/61/SR.9, 13, 17 and 18).

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10).

06-55080 (E) 291106

II. Consideration of proposals

A. Draft resolution A/C.6/61/L.14

6. At the 21st meeting, on 9 November, the representative of Romania, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-eighth session" (A/C.6/61/L.14).

7. At the same meeting the Committee adopted draft resolution A/C.6/61/L.14 without a vote (see para. 13, draft resolution I).

8. Before the adoption of the draft resolution, the representative of Germany made a statement in explanation of position (see A/C.6/61/SR.21).

B. Draft resolution A/C.6/61/L.15

9. At the 21st meeting, on 9 November, the representative of Romania, on behalf of the Bureau, introduced a draft resolution entitled "Diplomatic protection" (A/C.6/61/L.15).

10. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.15 without a vote (see para. 13, draft resolution II).

C. Draft resolution A/C.6/61/L.16

11. At the 21st meeting, on 9 November, the representative of Romania, on behalf of the Bureau, introduced a draft resolution entitled "Allocation of loss in the case of transboundary harm arising out of hazardous activities" (A/C.6/61/L.16).

12. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.16 without a vote (see para. 13, draft resolution III).

III. Recommendations of the Sixth Committee

13. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the International Law Commission on the work of its fifty-eighth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-eighth session,[1]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

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[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10).

[2] Resolution 2625 (XXV), annex.

1. *Takes note* of the report of the International Law Commission on the work of its fifty-eighth session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the General Assembly;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its fifty-eighth session, in particular for the following accomplishments:

(a) The completion of the second reading of the draft articles on diplomatic protection;

(b) The completion of the second reading of the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities under the topic "International liability for injurious consequences arising out of acts not prohibited by international law (International liability in case of loss for transboundary harm arising out of hazardous activities)";

(c) The completion of the first reading of the draft articles on the law of transboundary aquifers under the topic "Shared natural resources";

(d) The completion of the work on "Unilateral acts of States" by the adoption of the Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations;

(e) The completion by its Study Group of the report and the conclusions on the topic "Fragmentation of international law: difficulties arising from diversification and expansion of international law";

3. *Takes note* of the Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations under the topic "Unilateral acts of States", contained in paragraph 176 of the report of the International Law Commission[1] and commends their dissemination;

4. *Also takes note* of the forty-two conclusions of the Commission's Study Group on the topic "Fragmentation of international law: difficulties arising from diversification and expansion of international law", contained in paragraph 251 of the report of the International Law Commission, together with the analytical study[3] on which they were based;

5. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission identified in chapter III of its report, including in particular on the draft articles and commentaries on the law of transboundary aquifers;[4]

6. *Invites* Governments to provide to the International Law Commission, as requested in chapter III of its report,[5] information on legislation and practice regarding the topic "The obligation to extradite or prosecute (*aut dedere aut judicare*)";

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[3] A/CN.4/L.682 and Corr.1 and Add.1.

[4] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10), paras. 75 and 76.

[5] Ibid., paras. 26-33.

7. *Takes note* of the decision of the International Law Commission to include five topics[6] in its long-term programme of work;

8. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

9. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions without prejudice to the efficiency of its work;

10. *Takes note* of paragraph 270 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 7 May to 8 June and from 9 July to 10 August 2007;

11. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-first session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-second session of the Assembly;

12. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

13. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Takes note* of paragraphs 271 to 274 of the report of the International Law Commission with regard to cooperation with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (*e*), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

16. *Notes* that the International Law Commission, in accordance with article 25, paragraph 1, of its statute, envisages a meeting during its fifty-ninth session with United Nations experts in the field of human rights, including representatives from human rights treaty bodies, in order to hold a discussion on issues relating to human rights treaties;

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[6] Immunity of State officials from foreign criminal jurisdiction; Jurisdictional immunity of international organizations; Protection of persons in the event of disasters; Protection of personal data in the transborder flow of information; and Extraterritorial jurisdiction.

17. *Also notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

18. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission;

19. *Approves* the conclusions reached by the International Law Commission in paragraphs 262 to 267 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[7]

20. *Notes with appreciation* the expansion of the website of the International Law Commission[8] to include all its documentation, and welcomes the continuous efforts of the Codification Division to maintain and improve the website;

21. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

22. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

23. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-first session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

24. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

25. *Recommends* that the debate on the report of the International Law Commission at the sixty-second session of the General Assembly commence on 29 October 2007.

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[7] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[8] www.un.org/law/ilc.

Draft resolution II
Diplomatic protection

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its fifty-eighth session,[1] which contains the draft articles on diplomatic protection,[2]

Noting that the Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles on diplomatic protection,[3]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of diplomatic protection is of major importance in the relations of States,

Taking into account views and comments expressed in the Sixth Committee on chapter IV on diplomatic protection of the report of the Commission,[4]

1. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

2. *Takes note* of the draft articles on diplomatic protection, presented by the Commission,[2] and invites Governments to submit comments concerning the recommendation by the Commission to elaborate a convention on the basis of these articles;[3]

3. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "Diplomatic protection".

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[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10).
[2] Ibid., para. 49.
[3] Ibid., para. 46.
[4] Ibid., para. 50.

Draft resolution III
Allocation of loss in the case of transboundary harm arising out of hazardous activities

The General Assembly,

Recalling that the International Law Commission at its fifty-third session[1] completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles,

Recalling also its resolution 56/82 of 12 December 2001,

Having considered chapter V of the report of the Commission on the work of its fifty-eighth session,[2] which contains the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities,

Noting that the Commission decided to recommend to the General Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to implement them,[3]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the questions of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm are of major importance in the relations of States,

Taking into account views and comments expressed in the Sixth Committee on chapter V of the report of the Commission on international liability in case of loss from transboundary harm arising out of hazardous activities[2] of the report of the Commission at its fifty-eighth session,

1. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

2. *Takes note* of the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, presented by the Commission, the text of which is annexed to the present resolution, and commends them to the attention of Governments;

3. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".

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[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10* and corrigendum (A/56/10 and Corr.1), paras. 91, 94 and 97.

[2] Ibid., *Sixty-first Session, Supplement No. 10* (A/61/10).

[3] Ibid., para. 63.

Annex

Principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities

The General Assembly,

Reaffirming Principles 13 and 16 of the Rio Declaration on Environment and Development,

Recalling the draft articles on the Prevention of Transboundary Harm from Hazardous Activities,

Aware that incidents involving hazardous activities may occur despite compliance by the relevant State with its obligations concerning prevention of transboundary harm from hazardous activities,

Noting that as a result of such incidents other States and/or their nationals may suffer harm and serious loss,

Emphasizing that appropriate and effective measures should be in place to ensure that those natural and legal persons, including States, that incur harm and loss as a result of such incidents are able to obtain prompt and adequate compensation,

Concerned that prompt and effective response measures should be taken to minimize the harm and loss which may result from such incidents,

Noting that States are responsible for infringements of their obligations of prevention under international law,

Recalling the significance of existing international agreements covering specific categories of hazardous activities and stressing the importance of the conclusion of further such agreements,

Desiring to contribute to the development of international law in this field,

...

Principle 1
Scope of application

The present draft principles apply to transboundary damage caused by hazardous activities not prohibited by international law.

Principle 2
Use of terms

For the purposes of the present draft principles:

(*a*) "damage" means significant damage caused to persons, property or the environment; and includes:

(i) loss of life or personal injury;

(ii) loss of, or damage to, property, including property which forms part of the cultural heritage;

(iii) loss or damage by impairment of the environment;

(iv) the costs of reasonable measures of reinstatement of the property, or environment, including natural resources;

(v) the costs of reasonable response measures;

(*b*) "environment" includes natural resources, both abiotic and biotic, such as air, water, soil, fauna and flora and the interaction between the same factors, and the characteristic aspects of the landscape;

(*c*) "hazardous activity" means an activity which involves a risk of causing significant harm;

(*d*) "State of origin" means the State in the territory or otherwise under the jurisdiction or control of which the hazardous activity is carried out;

(*e*) "transboundary damage" means damage caused to persons, property or the environment in the territory or in other places under the jurisdiction or control of a State other than the State of origin;

(*f*) "victim" means any natural or legal person or State that suffers damage;

(*g*) "operator" means any person in command or control of the activity at the time the incident causing transboundary damage occurs.

Principle 3
Purposes

The purposes of the present draft principles are:

(*a*) to ensure prompt and adequate compensation to victims of transboundary damage; and

(*b*) to preserve and protect the environment in the event of transboundary damage, especially with respect to mitigation of damage to the environment and its restoration or reinstatement.

Principle 4
Prompt and adequate compensation

1. Each State should take all necessary measures to ensure that prompt and adequate compensation is available for victims of transboundary damage caused by hazardous activities located within its territory or otherwise under its jurisdiction or control.

2. These measures should include the imposition of liability on the operator or, where appropriate, other person or entity. Such liability should not require proof of fault. Any conditions, limitations or exceptions to such liability shall be consistent with draft principle 3.

3. These measures should also include the requirement on the operator or, where appropriate, other person or entity, to establish and maintain financial security such as insurance, bonds or other financial guarantees to cover claims of compensation.

4. In appropriate cases, these measures should include the requirement for the establishment of industry-wide funds at the national level.

5. In the event that the measures under the preceding paragraphs are insufficient to provide adequate compensation, the State of origin should also ensure that additional financial resources are made available.

Principle 5
Response measures

Upon the occurrence of an incident involving a hazardous activity which results or is likely to result in transboundary damage:

(*a*) the State of origin shall promptly notify all States affected or likely to be affected of the incident and the possible effects of the transboundary damage;

(*b*) the State of origin, with the appropriate involvement of the operator, shall ensure that appropriate response measures are taken and should, for this purpose, rely upon the best available scientific data and technology;

(*c*) the State of origin, as appropriate, should also consult with and seek the cooperation of all States affected or likely to be affected to mitigate the effects of transboundary damage and if possible eliminate them;

(*d*) the States affected or likely to be affected by the transboundary damage shall take all feasible measures to mitigate and if possible to eliminate the effects of such damage;

(*e*) the States concerned should, where appropriate, seek the assistance of competent international organizations and other States on mutually acceptable terms and conditions.

Principle 6
International and domestic remedies

1. States shall provide their domestic judicial and administrative bodies with the necessary jurisdiction and competence and ensure that these bodies have prompt, adequate and effective remedies available in the event of transboundary damage caused by hazardous activities located within their territory or otherwise under their jurisdiction or control.

2. Victims of transboundary damage should have access to remedies in the State of origin that are no less prompt, adequate and effective than those available to victims that suffer damage, from the same incident, within the territory of that State.

3. Paragraphs 1 and 2 are without prejudice to the right of the victims to seek remedies other than those available in the State of origin.

4. States may provide for recourse to international claims settlement procedures that are expeditious and involve minimal expenses.

5. States should guarantee appropriate access to information relevant for the pursuance of remedies, including claims for compensation.

Principle 7
Development of specific international regimes

1. Where, in respect of particular categories of hazardous activities, specific global, regional or bilateral agreements would provide effective arrangements

concerning compensation, response measures and international and domestic remedies, all efforts should be made to conclude such specific agreements.

2. Such agreements should, as appropriate, include arrangements for industry and/or State funds to provide supplementary compensation in the event that the financial resources of the operator, including financial security measures, are insufficient to cover the damage suffered as a result of an incident. Any such funds may be designed to supplement or replace national industry-based funds.

Principle 8
Implementation

1. Each State should adopt the necessary legislative, regulatory and administrative measures to implement the present draft principles.

2. The present draft principles and the measures adopted to implement them shall be applied without any discrimination such as that based on nationality, domicile or residence.

3. States should cooperate with each other to implement the present draft principles.

United Nations A/61/455

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Agenda item 79

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 60/23 of 23 November 2005.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th, 6th, 12th and 22nd meetings, on 16 and 27 October and on 16 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.5, 6, 12 and 22).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/61/153);

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 33* (A/61/33).

06-55086 (E) 241106

(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/61/304).

5. At the 5th meeting, on 16 October, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/61/SR.5).

II. Consideration of proposals

A. Draft resolution A/C.6/61/L.6

6. At the 12th meeting, on 27 October, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled "Commemoration of the sixtieth anniversary of the International Court of Justice" (A/C.6/61/L.6).

7. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.6 without a vote (see para. 13, draft resolution I).

8. After the adoption of the draft resolution, the President of the International Court of Justice made a statement (see A/C.6/61/SR.12).

B. Draft resolution A/C.6/61/L.10 and Corr.1

9. At the 22nd meeting, on 16 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/61/L.10 and Corr.1).

10. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution (see A/C.6/61/SR.22).

11. Also at the same meeting, the Committee adopted draft resolution A/C.6/61/L.10 and Corr.1 without a vote (see para. 13, draft resolution II).

12. After the adoption of the draft resolution, the representatives of Japan and Germany made statements in explanation of position (see A/C.6/61/SR.22).

III. Recommendations of the Sixth Committee

13. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Commemoration of the sixtieth anniversary of the International Court of Justice

The General Assembly,

Mindful that, in accordance with Article 2, paragraph 3, of the Charter of the United Nations, all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Bearing in mind the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[1] and the Manila Declaration on the Peaceful Settlement of International Disputes,[2]

Recognizing the need for universal adherence to and implementation of the rule of law at both the national and international levels,

Recalling that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Noting that 2006 marks the sixtieth anniversary of the inaugural sitting of the International Court of Justice,

Noting with appreciation the special commemorative event held at The Hague in April 2006 to celebrate the anniversary,

1. *Solemnly commends* the International Court of Justice for the important role that it has played as the principal judicial organ of the United Nations over the past sixty years in adjudicating disputes among States, and recognizes the value of its work;

2. *Expresses its appreciation* to the Court for the measures adopted to operate an increased workload with maximum efficiency;

3. *Stresses* the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its workload;

4. *Encourages* States to continue considering recourse to the Court by means available under its Statute, and calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute;

5. *Calls upon* States to consider means of strengthening the Court's work, including by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice on a voluntary basis, in order to enable the Fund to carry on and to strengthen its support to the countries which submit their disputes to the Court;

6. *Stresses* the importance of promoting the work of the International Court of Justice, and urges that efforts be continued through available means to encourage public awareness in the teaching, study and wider dissemination of the activities of the Court in the peaceful settlement of disputes, in view of both its judiciary and advisory functions.

[1] Resolution 2625 (XXV), annex.

[2] Resolution 37/10, annex.

Draft resolution II
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Noting the adoption of the revised working papers on the working methods of the Special Committee,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[2]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[3]

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 47* (A/60/47).

[2] A/61/153.

[3] See resolution 60/1.

Mindful of the decision of the Special Committee, in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that may be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto,[4]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 60/23 of 23 November 2005,

Having considered the report of the Special Committee on the work of its session held in 2006,[5]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[5]

2. *Decides* that the Special Committee shall hold its next session from 7 to 14 and 16 February 2007;

3. *Notes with appreciation* the adoption, as a decision, of the working methods of the Special Committee, contained in paragraph 72 of its 2006 report;[5]

4. *Requests* the Special Committee, at its session in 2007, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2007;

(b) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[6] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

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[4] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[5] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33).

[6] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334 and A/60/320.

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

5. *Invites* the Special Committee at its session in 2007 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-second session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and the wider cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications;

11. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and, in particular, with regard to the *Repertoire of the Practice of the Security Council*, requests the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;[7]

12. *Recognizes* the desirability of making available electronically the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* in all their respective language versions;

13. *Reiterates its call* for voluntary contributions to the trust fund for the updating of the *Repertoire of the Practice of the Security Council*, as well as the trust fund for the elimination of the backlog in the *Repertory of Practice of United Nations Organs*, and the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the two publications;

14. *Requests* the Secretary-General to submit a report on both the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to the General Assembly at its sixty-second session;

15. *Also requests* the Secretary-General to submit to the Special Committee for its consideration the information referred to in paragraph 12 of his report on implementation of the provisions of the Charter of the United Nations related to

[7] A/2170.

assistance to third States affected by the application of sanctions,[8] on modalities, technical procedures and guidelines on coordination of technical assistance available to third States affected by the implementation of sanctions, as well as a possible methodology for assessing the adverse consequences actually incurred by third States, in the report mentioned in paragraph 16 below;

16. *Further requests* the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-second session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization";

17. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

[8] A/61/304.

United Nations A/61/456

General Assembly

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Sixty first session
Agenda item 80

The rule of law at the national and international levels

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-first session of the General Assembly at the request of Liechtenstein and Mexico.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 6th, 7th, 20th and 22nd meetings, on 16 and 17 October and on 6 and 16 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.6, 7, 20 and 22).

4. For its consideration of the item, the Committee had before it a letter dated 11 May 2006 from the Permanent Representatives of Liechtenstein and Mexico to the United Nations addressed to the Secretary-General (A/61/142).

II. Consideration of draft resolution A/C.6/61/L.18

5. At the 22nd meeting, on 16 November, the Chairman, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/61/L.18) and orally revised it by inserting, in operative paragraph 2 after the words "national and international levels", the words "for submission at its sixty-third session,".

6. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution (see A/C.6/61/SR.22).

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7. Also at the same meeting, the Committee adopted draft resolution A/C.6/61/L.18, as orally revised, without a vote (see para. 9).

8. After the adoption of the draft resolution, the representatives of the Syrian Arab Republic and Japan made statements in explanation of position (see A/C.6/61/SR.22).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming also that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming further the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

1. *Requests* the Secretary-General to seek the views of Member States on matters pertaining to the issues addressed in the present resolution and to submit a report thereon at its sixty-second session;

2. *Also requests* the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels for submission at its sixty-third session, and to submit an interim report thereon to the General Assembly for its consideration at its sixty-second session;

3. *Further requests* the Secretary-General, after having sought the views of Member States, to prepare and submit, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory to be prepared pursuant to paragraph 2 above, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels;

4. *Urges* the Secretary-General, as a matter of priority, to submit the report on the establishment of a rule of law assistance unit within the Secretariat, in conformity with paragraph 134 (e) of the 2005 World Summit Outcome;[1]

5. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "The rule of law at the national and international levels", and recommends that, as from the sixty-second session and after consultations among Member States, the Sixth Committee annually choose one or two sub-topics to facilitate a focused discussion for the subsequent session, without prejudice to the consideration of the item as a whole.

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[1] See resolution 60/1.

United Nations A/61/457

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Agenda item 100

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 60/43 of 8 December 2005.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd to 5th, 7th, 21st and 23rd meetings, on 11, 12, 13, 16 and 17 October and on 9 and 21 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.2-5, 7, 21 and 23).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime (A/61/178);

(c) Report of the Secretary-General on measures to eliminate international terrorism (A/61/210 and Add.1 and 2);

(d) Letter dated 17 August 2006 from the representative of Cuba to the Secretary-General (A/61/280);

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 37* (A/61/37).

06-55098 (E) 301106

(e) Identical letters dated 20 September 2006 from the representative of Lebanon to the Secretary-General and the President of the Security Council (A/61/367-S/2006/754);

(f) Letter dated 18 September 2006 from the representative of Spain to the Secretary-General (A/61/368-S/2006/756);

(g) Letter dated 14 September 2006 from the representative of Kazakhstan to the Secretary-General (A/61/378-S/2006/761);

(h) Identical letters dated 23 October 2006 from the representative of Israel to the Secretary-General, the President of the General Assembly and the President of the Security Council (A/61/538-S/2006/841);

(i) Letter dated 10 November 2006 from the representative of the Islamic Republic of Iran to the Secretary-General (A/61/570-S/2006/883);

(j) Letter dated 10 November 2006 from the representative of the Islamic Republic of Iran to the Secretary-General (A/61/571-S/2006/884).

5. At its 7th meeting, on 17 October, the Sixth Committee established a Working Group to continue to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 60/43. At the same meeting, the Committee re-elected Rohan Perera (Sri Lanka) as Chairman of the Working Group (see A/C.6/61/SR.7). The Working Group held one meeting, on 3 November.

6. At the 2nd meeting, on 11 October, the Chairman of the Ad Hoc Committee established by resolution 51/210 introduced the report of the Ad Hoc Committee and at the 21st meeting, on 9 November, the Chairman of the Working Group presented an oral report on the work of the Working Group and on the results of his bilateral contacts with delegations (see A/C.6/61/SR.2 and 21).

II. Consideration of draft resolution A/C.6/61/L.17

7. At the 23rd meeting, on 21 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/61/L.17), which was orally revised and amended.

8. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution (see A/C.6/61/SR.23).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/61/L.17, as orally revised and amended, without a vote (see para. 11).

10. Before the adoption of the draft resolution, the representatives of Iran (Islamic Republic of), Algeria, the Syrian Arab Republic, Egypt, Cuba and Pakistan made statements in explanation of position; after the adoption of the draft resolution, the representative of Tunisia made a statement in explanation of position (see A/C.6/61/SR.23).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[2]

Recalling also the United Nations Millennium Declaration,[3]

Recalling further the 2005 World Summit Outcome,[4] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in

[1] Resolution 60/288.

[2] See resolution 50/6.

[3] See resolution 55/2.

[4] See resolution 60/1.

Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of, inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the Economic Community of West African States, the

Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004 and 60/43 of 8 December 2005 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Havana on 16 September 2006, which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative[5] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004 and 60/158 of 16 December 2005,

Having examined the report of the Secretary-General,[6] the report of the Ad Hoc Committee established by resolution 51/210[7] and the oral report presented by the Chairman of the Working Group established by the Sixth Committee during the sixty-first session of the General Assembly,[8]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy[1] in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;

[5] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[6] A/61/210 and Add.1 and 2. See also A/61/178.

[7] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 37* (A/61/37).

[8] Ibid., *Sixty-first Session, Sixth Committee*, 10th meeting (A/C.6/61/SR.10), and corrigendum.

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

9. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[9] the Amendment to the Convention on the Physical Protection of Nuclear Material,[10] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[11] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the

[9] Resolution 59/290, annex.

[10] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[11] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

Safety of Fixed Platforms Located on the Continental Shelf,[12] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolution 1373 (2001), and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[13] the International Convention for the Suppression of the Financing of Terrorism,[14] the International Convention for the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

14. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 9 and 10 of resolution 60/43, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

15. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

16. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

17. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening

[12] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[13] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[14] Ibid., vol. 2178, No. 38349.

international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. *Welcomes* the publication by the Secretariat of the second edition of *International Instruments related to the Prevention and Suppression of International Terrorism*,[15] prepared by the Codification Division of the Office of Legal Affairs of the Secretariat pursuant to paragraph 10 (a) of the Declaration on Measures to Eliminate International Terrorism, in English and French, and considers it useful to examine the possibility of having future editions issued in all official languages;

20. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group established by the Sixth Committee during the sixty-first session of the General Assembly, and welcomes continuing efforts to that end;

22. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. *Decides also* that the Ad Hoc Committee shall meet on 5, 6 and 15 February 2007 in order to fulfil the mandate referred to in paragraph 22 above;

24. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-first session in the event of the completion of the draft comprehensive convention on international terrorism;

26. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-second session on progress made in the implementation of its mandate;

27. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Measures to eliminate international terrorism".

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[15] United Nations publication, Sales No. E.03.V.9.

United Nations A/61/458

General Assembly

Distr.: General
21 November 2006
English
Original: French

Sixty-first session
Agenda item 110

Revitalization of the work of the General Assembly

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Revitalization of the work of the General Assembly" was included in the provisional agenda of the sixty-first session of the General Assembly in accordance with Assembly resolution 58/316 of 13 July 2004.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work.

3. The Sixth Committee considered the item at its 23rd meeting, on 21 November 2006 (see A/C.6/61/SR.23).

II. Consideration of draft decision A/C.6/61/L.19

4. At the 23rd meeting, on 21 November, the Chairman introduced the draft decision on the provisional programme of work for the sixty-second session of the General Assembly as proposed by the Bureau and contained in document A/C.6/61/L.19.

5. At the same meeting, the Committee adopted the draft decision on the provisional programme of work for the sixty-second session of the General Assembly (see para. 7).

6. The representative of the Syrian Arab Republic made a statement in explanation of position after the adoption of the draft decision (see A/C.6/61/SR.23).

06-55104 (E) 291106

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Provisional programme of work of the Sixth Committee for the sixty-second session of the General Assembly

The General Assembly notes that the Sixth Committee has decided to adopt the following provisional programme of work for the sixty-second session of the General Assembly, as proposed by the Bureau.

Provisional programme of work[1]

8 October[2]	Organization of work of the Sixth Committee
	Report of the United Nations Commission on International Trade Law on the work of its fortieth session
8-9 October	Measures to eliminate international terrorism
10 October	Responsibility of States for internationally wrongful acts
11 October	Diplomatic protection
15 October	Consideration of prevention and allocation of loss
18-19 October	Administration of justice at the United Nations
22-23 October	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
25-26 October	Rule of law at the national and international levels
29 October-2 November and 5-9 November	Report of the International Law Commission on the work of its fifty-ninth session
12-13 November	Criminal accountability of United Nations officials and experts on mission
15 November	Programme of assistance in the teaching, study, dissemination and wider appreciation of international law
	Report of the Committee on Relations with the Host Country
	Adoption of the provisional programme of work for the sixty-third session (see resolution 58/316, annex, para. 3 (b))
16, 17 and 24 October and 14 and 16 November	Reserved

[1] Indicating provisional dates in 2007 for debates under the respective items.

[2] Depending on the outcome of the consideration of the item entitled "Administration of justice at the United Nations" by the Sixth Committee at its resumed session in March 2007, the Committee may begin its work at the sixty-second session a week earlier.

United Nations A/61/459

General Assembly

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1 December 2006
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Sixty first session
Agenda item 118

Programme planning

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Programme planning" was included in the provisional agenda of the sixty-first session of the General Assembly in accordance with General Assembly resolution 60/257 of 8 May 2006.

2. At its 2nd plenary meeting on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

II. Consideration of the item

3. The Sixth Committee considered the item at its 21st meeting on 9 November 2006 (A/C.6/61/SR.21) and decided that no action was required.

06-55110 (E) 011206

United Nations

A/61/460

General Assembly

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17 November 2006
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Original: French

Sixty-first session
Agenda item 128

Administration of justice at the United Nations

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Administration of justice at the United Nations" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 59/283 of 13 April 2005 and decision 60/551 B of 8 May 2006.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda. The General Assembly also decided to allocate the item to the Fifth Committee for its consideration, and to the Sixth Committee for the purpose of considering the legal aspects, both institutional and procedural, of the matter.

3. The Sixth Committee considered the item at its 5th and 22nd meetings, on 16 October and 16 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.5 and 22).

4. For its consideration of the item, the Committee had before it the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205).

II. Consideration of draft decision A/C.6/61/L.12

5. At the 22nd meeting, on 16 November, the Chairman of the Committee read out a revised version of the draft decision entitled "Administration of justice at the United Nations" (A/C.6/61/L.12) which was before the Committee.

6. The Secretary of the Committee made a statement on the financial implications of the revised draft decision.

06-55116 (E) 281106

7. The representative of the Syrian Arab Republic made a statement, in which he proposed an amendment to the revised draft decision (see A/C.6/61/SR.22).

8. At the same meeting, the Committee adopted draft decision A/C.6/61/L.12, as further orally revised by the Chairman, without a vote (see para. 10).

9. After the adoption of the draft decision, the representatives of the United States of America and the Syrian Arab Republic made statements in explanation of position (see A/C.6/61/SR.22).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Administration of justice at the United Nations

The General Assembly takes note of the decision of the Sixth Committee to hold a resumed session of 10 meetings in March 2007, to consider the legal aspects of the report of the Redesign Panel on the United Nations system of administration of justice,[1] taking into account, as appropriate, the comments that will be made by the Secretary-General on the report of the Redesign Panel as well as those that may be made by the Advisory Committee on Administrative and Budgetary Questions.

[1] A/61/205.

United Nations A/61/461

General Assembly

Distr.: General
10 November 2006
English
Original: French

Sixty-first session
Agenda item 148

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the sixty-first session of the General Assembly pursuant to Assembly resolution 60/24 of 23 November 2005.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 21st meeting, on 9 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/61/SR.21).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on Relations with the Host Country;[1]

(b) Letter dated 25 October 2006 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the Chairman of the Sixth Committee (A/C.6/61/2).

5. At the 21st meeting, on 9 November, the Chairman of the Committee on Relations with the Host Country introduced the report of that Committee (see A/C.6/61/SR.21).

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 26* (A/61/26).

06-55122 (E) 281106

II. Consideration of draft resolution A/C.6/61/L.11

6. At the 21st meeting, on 9 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/61/L.11).

7. At the same meeting, the Committee adopted draft resolution A/C.6/61/L.11 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 86 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions; and urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Notes* the problems experienced by some permanent missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles[4] and shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law, and also notes the decision of the Committee to conduct another review of the

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 26* (A/61/26).

[2] Resolution 22 A (I).

[3] See resolution 169 (II).

[4] A/AC.154/355, annex.

implementation of the Programme during the sixty-first session of the General Assembly and, subject to its outcome, will proceed accordingly;

4. *Requests* the host country to consider removing the remaining travel restrictions, notes that during the reporting period some travel restrictions previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities were removed, and, in this regard, notes the positions of affected States as reflected in the report of the Committee, of the Secretary-General and of the host country;

5. *Notes* that the Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] to travel to New York on United Nations business; and notes that the Committee anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings as appropriate;

6. *Notes also* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings;

7. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

8. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an "as available" basis;

9. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

10. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

11. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Report of the Committee on Relations with the Host Country".

United Nations A/61/462

General Assembly

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2 November 2006
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Sixty-first session
Agenda item 153

Requests for observer status in the General Assembly

Report of the Sixth Committee

Rapporteur: Mr. Mamadou Moustapha **Loum** (Senegal)

I. Introduction

1. The item entitled "Requests for observer status in the General Assembly" was included in the provisional agenda of the sixty-first session of the General Assembly at the request of Liechtenstein.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th, 10th and 20th meetings, on 16 and 25 October and on 6 November 2006. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/61/SR.5, 10 and 20).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Letter dated 11 May 2006 from the representative of Saudi Arabia to the Secretary-General (A/61/141);

(b) Letter dated 8 September 2006 from the representative of Liechtenstein to the Secretary-General (A/61/232);

(c) Letter dated 14 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Mauritius to the Secretary-General (A/61/487);

(d) Letter dated 9 October 2006 from the representative of the Philippines to the Secretary-General (A/61/510).

06-55128 (E) 171106

II. Consideration of proposals

A. Draft resolution A/C.6/61/L.3

5. At the 5th meeting, on 16 October, the representative of Saudi Arabia, on behalf of Algeria, Bahrain, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Nigeria, Oman, Pakistan, Qatar, Senegal, Saudi Arabia, Sierra Leone, the Sudan, the Syrian Arab Republic, the United Arab Emirates, Venezuela (Bolivarian Republic of) and Yemen, subsequently joined by Mali and Morocco, introduced a draft resolution entitled "Observer status for the OPEC Fund for International Development in the General Assembly" (A/C.6/61/L.3).

6. At its 10th meeting, on 25 October, the Committee adopted draft resolution A/C.6/61/L.3 without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.6/61/L.2

7. At the 5th meeting, on 16 October, the representative of Mauritius, on behalf of the Comoros, France, Madagascar, Mauritius and Seychelles, subsequently joined by Bangladesh, Barbados, Cape Verde, the Central African Republic, Chad, the Democratic Republic of the Congo, Djibouti, Dominica, Fiji, Gabon, Guatemala, Guinea, Haiti, Ireland, Liberia, the Libyan Arab Jamahiriya, the Marshall Islands, Nauru, Nepal, the Philippines, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka and Swaziland, introduced a draft resolution entitled "Observer status for the Indian Ocean Commission in the General Assembly" (A/C.6/61/L.2).

8. At its 10th meeting, on 25 October, the Committee adopted draft resolution A/C.6/61/L.2 without a vote (see para. 11, draft resolution II).

C. Draft resolution A/C.6/61/L.4

9. At the 5th meeting, on 16 October, the representative of the Philippines, on behalf of Australia, Brunei Darussalam, Cambodia, China, France, Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam, subsequently joined by Austria, Belgium, Canada, Cyprus, Denmark, Finland, Germany, Italy, Mauritius, the Netherlands, Portugal, the Republic of Korea, Serbia, Slovenia, Spain and Sweden, introduced a draft resolution entitled "Observer status for the Association of Southeast Asian Nations in the General Assembly" (A/C.6/61/L.4).

10. At its 10th meeting, on 25 October, the Committee adopted draft resolution A/C.6/61/L.4 without a vote (see para. 11, draft resolution III).

06-55128

III. Recommendations of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Observer status for the OPEC Fund for International Development in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the OPEC Fund for International Development,

1. *Decides* to invite the OPEC Fund for International Development to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

Draft resolution II

Observer status for the Indian Ocean Commission in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Indian Ocean Commission,

1. *Decides* to invite the Indian Ocean Commission to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

Draft resolution III

Observer status for the Association of Southeast Asian Nations in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Association of Southeast Asian Nations,

1. *Decides* to invite the Association of Southeast Asian Nations to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.